THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19068 of 1999

Dated:03.08.2006

Between:

N.K.Estates Pvt.Ltd.

…Petitioners

and

The Mandal Revenue Officer.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19068 of 1999

ORDER:

The petitioner is a Company engaged in Real Estate Business. The petitioner purchased an extent of Acs.2.00 of land in Survey No.702/2 situated at Kapra Village, Keesara Mandal, Ranga Reddy District, from Smt.Avusula Ratnamma under registered sale deed dated 31.03.1992 allegedly after getting the title verified. Thereafter, the petitioner approached the Government for change of land use, which permitted change of land use from agricultural to residential use. The petitioner earlier filed Writ Petitions, being W.P.No.2014 of 1996 and W.P.No.16855 of 1996, questioning the action of the respondent in interfering with the construction activity commenced by the petitioner. The said Writ Petitions were disposed of by this Court in favour of the petitioner. Thereafter, the Mandal Revenue Officer, the sole respondent herein, issued notice in Form No.I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, calling upon the petitioner to show cause as to why the land in possession of the petitioner should not be resumed for the contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It was alleged in the show cause notice that the land was originally assigned to Smt.Avusula Ratnamma and the petitioner purchased the property in contravention of the Act. The said show cause notice is assailed in this Writ Petition.

Learned Counsel for the petitioner strenuously contends that having regard to the orders passed by this Court in the earlier two Writ Petitions, the issuance of the impugned show cause notice by the Mandal Revenue Officer is without jurisdiction, and therefore, the same is liable to be set aside. **Per contra,** the learned Assistant Government Pleader for Revenue (Assignment) opposes the Writ

Petition placing reliance on a decision of the Supreme Court in **Special Director v. Mohd. Ghulam Ghouse**[1].

It is axiomatic that ordinarily a Writ Petition against a show cause notice would not lie (see para 5 of **Special Director v. Mohd. Ghulam Ghouse** (supra)). Therefore, this Court is not inclined to interfere at this stage. The petitioner is given liberty to submit its explanation within a period of two weeks from the date of receipt of a copy of this order. As and when such explanation is filed, the respondent shall conduct enquiry and dispose of the matter after giving opportunity to the petitioner.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

03.08.2006
vs

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[1] (2004)3 SCC 440